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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/731,973

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Yoshihiko Shibahara

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1742

7590

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EXAMINER

GRANT II, JEROME

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,973

Applicant(s)

SHIBAHARA ET AL.

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12, 14 and 17 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 13, 15, 16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3, 5-8, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2626

## Detailed Action

### 112 Rejections

1. Claims 19 and 20 are rejection under 35 USC 112 4<sup>th</sup> paragraph.

The claims do not include a further limitation from the claims of which they depend.

Correction is required.

- 2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 15, 16, 18 and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Yukawa.

Art Unit: 2626

With respect to claim 1, Yukawa teaches a method of recognizing a region corresponding to the an image storage sheet, comprising the steps of: obtaining a read out image (from Document D by elements 1, 16, 17, 18 and 19, which has been acquired by covering an image storage sheet pushing surface 9iner portion adjacent platne 14) of platen cover 15 and reading out an image or a region on the image storage sheet pushing surface of the platen cover as claimed and recognizing a region (auto detection means , according to col. 4, line 30 and col. 4, line 58 to col. 5, line 4) wherein the image storage sheet pushing surface of the platen cover has a color other than the ordinary colors of sheets (see col. 3, lines 32-40 and 50-55, and the region corresponding to the image storage sheet is recognized by judging tat a pixel in the read-out image, which pixel represents a color different from the color of the image storage sheet pushing surface of the platen cover, is a pixel falling within the region corresponding to the image storage sheet, see the automatic c detection means according to col. 4, lines 30 and 31.

With respect to claim 2, Yukawa teaches a document D which is a color image means inclusive of a photo print.

With respect to claims 15 , 18 and 20, Yukawa teaches a platen cover 15 for use in an apparatus for reading out an image from an image storage sheet, the platen cover comprising an image storage sheet pushed surface (underside of the platen cover) having a period pattern (see col. 2, lines 22-27) which is composed of a plurality of

Art Unit: 2626

different color areas arrayed in a predetermined order and in abutment with one another. Note that by there being a pattern, the colors abut one another. In addition, the colors are arranged in a predetermined order because they constitute a pattern.

With respect to claim 16, Yukawa teaches opposite surfaces of the sheet D has a color other than colors which are ordinarily contained in image storage sheets containing color images. Note that the plural colors are not the same color as the white document background.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi.

Takahashi teaches a platen cover 1 for use in an apparatus for reading out an image from an image storage sheet 3, the platen cover comprising an image storage sheet pushing surface 2 having a color (red, green, blue) other than ordinarily contained in the image storage sheets containing color images.

Art Unit: 2626

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yukawa in view of Takahashi.

Yukawa teaches: a method of recognizing a region corresponding to the an image storage sheet, comprising the steps of: obtaining a read out image (from Document D by elements 1, 16, 17, 18 and 19, which has been acquired by covering an image storage sheet pushing surface 9iner portion adjacent platne 14) of platen cover 15 and reading out an image or a region on the image storage sheet pushing surface of the platen cover as claimed and recognizing a region (auto detection means , according to col. 4, line 30 and col. 4, line 58 to col. 5, line 4) wherein the image storage sheet pushing surface of the platen cover has a color other than the ordinary colors of sheets (see col. 3, lines 32-40 and 50-55, and the region corresponding to the image storage sheet is recognized by judging tat a pixel in the read-out image, which pixel represents a color different from the color of the image storage sheet pushing surface of the platen

Art Unit: 2626

cover, is a pixel falling within the region corresponding to the image storage sheet, see the automatic c detection means according to col. 4, lines 30 and 31.

What Yukawa does not teach is a platen cover having a pattern that is composed of a plurality of different arrayed colors.

Takahashi teaches a platen cover wherein the underside thereof is arrayed with a plurality of different colors for the purpose of registering an image reading means. See the Constitution of the Takahashi reference.

Since, Yukawa and Takahashi are both directed to image reading means or a method thereof having a platen and a platen cover which is colored, the purpose of using a specific platen cover that has a colored pattern would have been recognized by Yukawa as set forth by Takahashi.

It would have been obvious to one of ordinary skill in the art to modify the underside of platen cover 15 so that it includes a colored pattern, as taught by Takahashi, as opposed to the platen being just one color, for the purpose of calibrating the image reading means to provide for a better registered colors so that the output images may be more accurately represented.

5. **Claims Objected as Containing Allowable Matter**

Claims 3, 5-8, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **Claims Allowed**

Claim 9 is allowed for the reason the prior art does not teach or suggest in claimed combination, "... the recognition means recognizes the region corresponding to the image storage sheet by judging that a pixel in the read-out image, which pixel represents a color different from the color of the image storage sheet pushing surface of the platen, cover, is a pixel falling within the region corresponding to the image storage sheet."



Claims 10-12 are allowed for the reason the prior art does not teach or suggest a claimed combination, "... the recognition means recognizes the region corresponding to the image storage sheet by judging that a pixel in the read-out image, which pixel represents an image different from the periodical pattern, is a pixel falling within the region corresponding to the image storage sheet."

Claims 14 and 17 are allowed for the reason the prior art does not teach or suggest parts 1 – 18 of the claim.

Art Unit: 2626

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Grant II

JEROME GRANT II  
PRIMARY EXAMINER